

CONSUMER ACTION NETWORK

Of, By and For Deaf and Hard of Hearing Americans

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February 28, 1997

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FEB 28 1997

Federal Communications Commission
Office of Secretary

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Mr. Caton:

The Consumer Action Network (CAN) submits these comments to the Federal Communications Commission on the Notice of Proposed Rulemaking on Closed Captioning and Video Description of Video Programming, MM Docket No. 95-176 (released January 17, 1997). CAN, a coalition of 19 national organizations of, by, and for deaf and hard of hearing people, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons, improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life.

CAN thanks the Federal Communications Commission for its commitment to access for all Americans.

Respectfully submitted,



Barbara Raimondo, J.D.
Legislative Consultant

Enclosures

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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*Federal Communications Commission
Office of Secretary*

In the Matter of)	
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Closed Captioning and Video)	MM Docket No. 95-176
Description of Video Programming)	
)	
Implementation of Section 305 of the)	
Telecommunications Act of 1996)	

**Comments of
the Consumer Action Network
on the Notice of Proposed Rulemaking**

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February 28, 1997

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I. Introduction

The Consumer Action Network (CAN) submits these comments to the Federal Communications Commission on its Notice of Proposed Rulemaking on Closed Captioning and Video Description (released January 17, 1997).

CAN, a coalition of national organizations¹ of, by, and for deaf and hard of hearing people, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons, improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life. In March 1996, CAN submitted comments on closed captioning in response to the Commission's Notice of Inquiry (NOI) on this subject. In the Matter of Closed Captioning and Video Description of Video Programming, MM Docket No. 95-176, FCC 95-484.

Americans depend on television for news, information, and entertainment. Deaf and hard of hearing Americans look forward to the greater accessibility to this medium that will be afforded through

¹Please see signature page for a list of CAN members.

implementation of Section 305. CAN thanks the Federal Communications Commission for its commitment to access for all Americans and for the opportunity to comment on this important issue.

II. Responsibility for Compliance Should Rest with Programming Providers

The Commission proposes that responsibility for compliance with closed captioning requirements should be placed on video programming providers. ¶28. We agree. As the Commission points out, “programming providers are in the best position to ensure that the programming they distribute is closed captioned because of their role in the purchasing of programming from producers.” ¶28. It is well established that captioning is most appropriately and accurately done at the production stage. The requirement that all new programming be captioned (subject to certain exemptions) will act as an incentive for producers to caption their material as a matter of course. Producers will know that if they do not, it will be more difficult to sell their production. Requiring providers to be responsible for captioning will act as an incentive for them to require that the programs they purchase are captioned. The costs of captioning are low relative to the cost of production of a program. Producers can incorporate captions into their production and pass the costs through to the provider through contract.

This arrangement will allow the Commission to enforce compliance in an efficient and effective manner. When a complaint about captioning is received, the Commission can find out from the provider the reason and help ensure the problem is not repeated. This process would eliminate the need for the Commission to conduct an inquiry into who produced the program. One can imagine the difficulty that would be created if the Commission had to seek out the producer of a program that was not aired until long after it was made, and if it had gone through several stages of

ownership before being aired. Producing captions in the production stage will result in the most appropriate and accurate captions, and requiring the provider to be accountable for providing the captioning will result in more efficient and effective enforcement.

III. The Transition Schedule Should Not Be Unreasonably Long

The Commission proposes a transition schedule of eight years that will phase in captioning of non-exempt new programming by requiring an additional 25% every two years. The Commission seeks comment on this proposal and on a ten year phase-in period. ¶41. CAN respectfully objects to the proposed transition schedule of eight years, and particularly objects to the proposal of allowing a ten year transition period. A two to three year time frame is more reasonable. The Telecommunications Act of 1996² which requires the captioning that is the subject of this NPRM was passed in February 1996, thereby making programmers and owners aware that they would be responsible for captioning video programming. In our earlier comments we explained at length the benefits of closed captioning to Americans.³ We outlined captioning's benefits for the 24 million deaf and hard of hearing individuals, the 30 million for whom English is a second language, the 12 million young children learning how to read, the 3.7 million remedial readers, and the 27 million illiterate adults. The Commission's proposed transition time frame is unnecessarily long when one considers these benefits, owners' and providers' knowledge of their responsibility to caption, and the availability of captioning technology. Deaf and hard of hearing individuals should not have to wait eight to ten more years to watch

²Pub. L. 104-104, 110 Stat. 56 (1996).

³CAN Comments, pp. 2-11.

their favorite instructional, educational, or entertainment television program.

At a minimum, the 25% figure should apply to captioning above and beyond what providers were providing on the effective date the rules. Prerecorded captioned programs that are reformatted and rebroadcast should not be applied toward the 25%. ¶47. The cost and effort of reformatting is minimal and can be easily absorbed by most providers.

We respectfully object to the Commission's proposal that would allow a cable operator to transmit one particular cable network completely captioned, while transmitting three with no captioning, or the proposal that a cable system could meet its obligation by passing through the captioned programs of the broadcast stations it carries. ¶43. Under these scenarios, for some providers there would be no increase in captioning for several years. The intent of Section 713 is to increase the amount of captioning, not maintain the status quo. The Commission's rules should discourage delays in making programming accessible through captioning.

IV. Exemptions of Classes of Video Programming Should be Minimal

We believe exemptions based on class of video programming should be granted in only a small number of instances. Specific classes are discussed below. As we stated in our earlier comments, we believe that there are certain types of programming for which the Commission should specify as priority programs that should be captioned first.⁴ News, current affairs, and educational children's programs should be considered a priority. Except for children's programming, prime time programming should take precedence over programs aired during other time slots.

⁴*Id.* at 18.

The Commission asks what period of time should be used to determine whether a percentage requirement has been met. ¶45. We recommend a one week time period. Television stations operate on a weekly schedule, program guides are printed using a weekly format, and consumers are used to seeing regular programs on a weekly basis. This is the most appropriate period of time during which to measure the amount of captioning provided.

The Commission seeks comment on whether closed captioning requirements should apply to each channel of the multiplexed channel. ¶49. We believe that they should. This technology will enable providers to offer greater program choice and increase its revenue by selling advertising space for each program across the channel. The Commission should treat each as a separate program for purposes of closed captioning requirements. Multiplexing technology will allow the intact delivery of caption data, so there are no technological impediments to captioning programs on multiplexed channels.

We support the Commission's proposed decision not to exempt any class of provider. ¶85. We also offer guidance on the following categories of classes of programming.

A. Foreign Language Programming

We support a requirement that foreign language programming using a Latin based alphabet be captioned. ¶72. As we pointed out in our previous comments, approximately 30 million Americans are learning English as a second language⁵ and would benefit from having these programs captioned. Although current technology cannot caption non-Latin alphabets, advanced television closed captioning standards are incorporating provisions for non-

⁵*Id.* at 8.

Latin based alphabets. We recommend that when this technology becomes more widely available the Commission reconsider exemptions of the class of programming using a non-Latin alphabet.

B. Programming that is Textual in Nature

The Commission seeks comment on the definition of “programming that is primarily textual in nature.” ¶73. In determining this definition, the Commission should consider the purpose of the audio. The Commission should examine whether it provides information or is merely background music. The Commission should ask whether, if one were to watch the program without the sound, the programming would be understood. If the audio is merely background music or unnecessary to understand the program, then the programming may be considered “primarily textual in nature.”

C. PEG Access Programming

The Commission asks whether Public, Educational, and Governmental (PEG) access channel programming should be encompassed by general exemptions. ¶74. CAN strongly believes that it should not. We recognize that this programming operates on a small production budget relative to commercial stations. However, this type of programming is essential to provide citizens with access to information about important events and issues in their community. Programming includes instructional material, programs produced in the schools, and coverage of local government meetings and local affairs. It must be accessible to all citizens. Some providers have found new ways to fund captioning of this important programming. In Fremont, California, for example, the local cable company assesses subscribers seven cents per month to pay for the live captioning of school board and town council meetings. Cable companies can caption

previously produced material in-house using low cost software and hardware. PEG programming is critical for citizens who want to participate in their communities. It should not fall under a general exemption.

D. Instructional Programming

Like PEG programming, instructional programming (§76) provides great benefit. There is a wide range of instructional programming provided locally and nationwide. For example, in many communities a student can earn a GED or take college courses through a televised programming. Many programs, such as those produced and distributed by public broadcasting stations, have sufficient budgets to cover the cost of captioning. Many PBS Adult Learning Services satellite telecourses are captioned as a matter of course. This class of programming should not fall under a general exemption.

E. Home Shopping Programming

We support the Commission's decision not to propose home shopping programming for an exemption. §78. Consumers rely on the information provided in this programming in order to make informed decisions about their purchases. It is difficult to see why home shopping channels would not want to caption their programs. It would appear to be a cost-effective way of reaching a new market.

F. Interstitial and Promotional Advertisements

We support the Commission's proposal that if interstitials and promotional advertisements are exempted, "the information provided should be displayed in some textual or graphic form." §79. Such text or graphics should highlight the most important information conveyed in the interstitial or advertisement and should be able to be read easily.

G. Political Advertising

In the case where captioning for political advertising is economically burdensome, such as may be the case for some local elections (§80), we recommend the Commission require such advertising to carry the advertised information in a textual or graphic form. Deaf and hard of hearing citizens, as their hearing counterparts do, require information about candidates in order to cast informed votes. Political information is necessary in order for citizens to exercise their constitutional rights.

H. Fundraising Activities of Noncommercial Broadcasters

If, as the Commission proposes, fundraising activities of noncommercial broadcasters are exempted (§81), we recommend that periodic textual graphics or captioning be provided during fundraising that would summarize activities. For example, during fundraising for television station WGBH in Boston, the station repeats the same captioned message and includes a tty number for tty users to make pledges. WGBH has offered this software free of charge to all public broadcasters.

I. Music Programming

We agree that music programming should be captioned. The Commission points out several good reasons for this requirement. §82. We do not believe that live performances should be exempt. Live performances can be quite different from taped performances. For example, the interaction with the audience lends an element to the program that quite different from what one finds in a studio performance. However, the song lyrics would be available to the captioner ahead of time, allowing the captioner to become familiar with what is expected to be sung.

Songs from television shows and feature films should be required to be captioned because they can provide information and enhance the program.

In many cases they are a “signature” for the program, serving to set the tone for it. Further, in the case of television shows and most feature films, this music usually only comprises a very small part of the program, if any.

Television shows use the same song week after week.

J. Weather Programming

We support the Commission’s proposal not to include weather programming in its general exemption. ¶83. In our earlier comments, we pointed out the importance of captioning weather information.⁶ We mentioned the importance of this information for safety and well-being. As the Commission points out, “weather reports can be scripted and included in the teleprompter text that is converted to captioning at virtually no cost using the ENR method of captioning that is common at many local stations.” ¶83.

K. Sports Programming

We agree with the Commission’s proposal that only those types of sports programming for which closed captioning would be economically burdensome, such as locally produced college or high school sports, should be subject to an exemption. ¶84. Where exemptions are granted, it should be required that open graphics provide necessary information such as score and time remaining in the game. Other types of sports programming should be captioned, and commentary, which is important for understanding and appreciation of the game and the athletes, should be captioned.

V. Classes of Providers Should Not be Exempt From Captioning Requirements

We support the Commission’s decision not to exempt classes of video providers. ¶85. All classes of providers provide programming that is important to deaf and hard of hearing viewers, and as the Commission points

⁶*Id.* at 5.

out, all classes of providers have the technical capability to deliver closed captioning to viewers intact. We believe it is not appropriate for the Commission to exempt providers based on their class.

VI. Providers Seeking Exemptions Under Section 713 (d)(2) Should be Required to Show a Legitimate, Good Faith Reason

The Commission seeks comment on their proposal that contracts which affirmatively prohibit closed captioning would fall within the exemption of Section 713 (d)(2)⁷ ¶87. There are few, if any, legitimate reasons for a provision of this kind. We recommend that the Commission require providers to show that there is a legitimate, good faith reason for any contract clause of this type before an exemption can be granted.

We are not aware of any contract provisions that would be inconsistent with a captioning requirement (¶88) and again would urge the Commission to require providers to show that there is a legitimate good faith reason for such a clause before an exemption could be granted.

VII. Library Programming That is Exhibited Should Be Subject to the Same Phase-in Timelines as New Programming

The Commission seeks comment on a transition schedule for library programming. ¶58. It is important to point out that many library programs are already captioned, but often are aired without captions. At a minimum, the Commission's rules should require providers to find out which programs are captioned and should require them to air any captions that exist.

We recommend that library programming that is exhibited be subject to the same phase-in timelines as new programming. The 75% figure that the Commission proposes appears to be arbitrary and is unsupported by law.

⁷Section 713 (d)(2) states that: "[A] provider of video programming or the owner of any program carried by the provider shall not be obligated to supply closed captions if such action would be inconsistent with contracts in effect on the date of enactment of the Telecommunications Act of 1996, except that nothing in this section shall be construed to relieve a video programming provider of its obligations to provide services required by Federal law;"

Section 713 (b)(2) requires programmers or owners to “maximize the accessibility of video programming . . . through the provision of closed captions, except as provided in subsection (d).” Subsection (d) allows for exemptions:

- (1) “by regulation programs, classes of programs, or services for which the Commission has determined that the provision of closed captioning would be economically burdensome,”
- (2) where “such action would be inconsistent with contracts,” and
- (3) by petition where the captioning requirements “would result in an undue burden.”

The Commission’s 75% figure does not seem to be based on any of these factors. We believe that the distinction that Congress made between library programming and new programming is based on the fact that the supply of library programming is vast, and it would be a huge task to caption all of it. However, we do not ask that all library programming be captioned, only the programming that is exhibited. We believe it is reasonable for this programming to be subject to the same transition period as new programming.

VIII. Undue Burden Criteria Should Result in Exemptions Being Granted Only to a Small Number of Providers in Very Small Markets

We recognize the intent of Congress that “the Commission shall balance the need for closed captioned programming against the potential for hindering the production and distribution of closed captioning.”⁸ Any discussion of undue burden must include discussion of this need, which we have described on page three of these comments, and in our earlier

⁸H.R. Conf. Rep. No. 104-458, 104th Cong., 2d Session [hereinafter H.R. Conf. Rep.] (1996) at 183.

comments.⁹ These include simple accessibility for deaf and hard of hearing individuals and reading and language benefits for people for whom English is a second language, young children learning how to read, remedial readers, and illiterate adults.

Section 713 (e) states that:

“The term “undue burden” means significant difficulty or expense. In determining whether the closed captions necessary to comply with the requirements of this paragraph would result in an undue economic burden, the factors to be considered include -

- “(1) the nature and cost of the closed captions for the programming;
- “(2) the impact on the operation of the provider or program owner;
- “(3) the financial resources of the provider or program owner; and
- “(4) the type of operations of the provider or program owner.”

We submit that no significant difficulties exist that would prevent captioning. The necessary hardware, software, and services have been available since 1980. There has been no type of programming or situation where technical or operational difficulties have been significant enough to prevent captioning. A broad range of programming that may appear difficult to caption has in fact been captioned. Examples include live programming, multiple time-delayed regional network programming, local political debates taking place in one state that have been captioned via satellite and phone from another state, and even the World Wide Web has exhibited live captioning.

The financial considerations outlined in the statute should result in only a small number of providers in very small markets being exempted under the undue burden criteria.

⁹CAN Comments, pp. 2-11.

Congress also stated its intent that “In general, the Committee does not intend that the requirement for captioning should result in a previously produced programming not being aired due to the costs of the captions.”¹⁰ We believe that granting of an undue burden exemption should be reserved only for cases in which the program would not air because of the cost of captioning. We believe this fits with Congressional intent to make video programming accessible, while at the same time preserving diversity of programming and ensuring that captioning requirements do not impose an undue burden on providers.

CAN believes that it is appropriate to subject the granting of an undue burden exemption to certain conditions, such as greater use of textual graphics. ¶97. We recognize that undue burden exemptions may be granted in a small number of instances. However, it is still important for the exempted programming to be accessible. Greater use of textual graphics where undue burden exemptions are granted will help achieve that goal.

IX. The Commission Should Not Allow Petitions for Waivers of Classes of Programming

CAN believes that the Commission should not allow petitions for waivers for classes of programming. Where warranted, the Commission should grant only exemptions based on individual petitions for waivers. ¶100. This is in keeping with the Congressional intent of Section 713 (d)(3). The Conference Report explains that this section “authorizes the Commission to grant additional exemptions, on a case-by-case basis, where providing closed captions would constitute an undue burden.”¹¹ This case-

¹⁰H.R. Rep. No. 104-204, 104th Cong., 1st Sess. (1995) at 114.

¹¹H.R. Conf. Rep. at 183.

by-case approach envisioned by Congress is at odds with any proposal to exempt by petition entire classes of programming.

We do not believe program producers and syndicators should be permitted to seek an exemption from the closed captioning requirements unless they are covered by the Commission's rules. ¶101. We have outlined on page two of these comments our contention that providers should be responsible for compliance but that producers and providers can allocate the task of actual captioning through contract.

A simple example will illustrate the inefficiency and administrative burden involved in allowing parties other than the providers to petition for exemption. Suppose an independent producer who produces video programming petitions for and receives an exemption from the captioning requirement based on the undue burden standard. Suppose that producer then sells the program to a provider for whom it will not be an undue burden to caption. The program would still need to be captioned, while resources were wasted in granting the exemption in the first place.

Exemptions granted under 713 (d)(3) should be for a length of time no longer than a year. The factors that are considered in making a determination of undue burden can drastically change in the course of a year. Also, other factors, such as available technology, can change a great deal during that time. After a year, the exemption should be reconsidered.

**X. Minimal Standards for Accuracy and Quality Should be Required
Immediately with More Detailed Standards to be Required in Two Years**

We applaud the Commission's proposal to extend Section 76.606, which requires cable operators to transmit existing captions intact, to all video program providers. ¶110. Our earlier comments outlined problems where captions are stripped when the signal from the point of origination passes

through a local provider.¹² Commission rules that require providers to deliver existing captions intact, and enforcement of those rules, should help to remedy this situation. We would also like to point out that, while technical requirements for transmission and display of captions exist, these requirements are often not followed or enforced. The Commission has rightly stated that there is a published specification for the production of captions. However, we are concerned that not all caption producers are adhering to the voluntary industry guidelines published by the Electronic Industries Association. These guidelines, called "EIA 608 -Recommended Practice for Line 21 Data Service," specifically call for certain practices that will protect the owners of early generations of set-top closed caption decoder boxes (the TC 1 and TC 2) until at least July 1, 2002 through the limited use of advanced FCC-standard codes. This schedule for support of the TC 1 and TC II decoder specification is published as EIA-608's Annex B. In addition, the entirety of that technical document, if its use is required by all caption providers, will help assure a reliable and standardized service.

We are also concerned about the actual quality of the captioning. As the Commission recognizes, "unless closed captions accurately reflect the audio portion of the video programming to which they are attached, they may be of limited use to the viewer."¹³ Captions are of limited use if they are replete with mistakes in spelling, grammar, timing, accuracy, or placement. They are of limited use if they do not include all of the elements of the soundtrack necessary for accessibility. We cannot emphasize strongly enough

¹²CAN Comments at 15.

¹³Implementation of Section 305 of the Telecommunications Act of 1996 - Video Accessibility, Report, MM Docket No. 95-176, FCC 96-318 (released July 29, 1996) [hereinafter FCC Report], ¶87.

the need for some minimal standards for the non-technical aspects of quality and accuracy.

While no doubt there will be some program providers who provide high captioning quality regardless of what the Commission decides, others will not. It is likely that captioning companies that do not aspire to produce high quality work will proliferate. Without requirements for a certain minimum level of standard, program providers will have little incentive to contract with high quality captioning providers.

While the statute does not address quality and accuracy of captions, Congress required the Commission, in writing its report on captioning, to examine "the quality of closed captioning and the style and standards which are appropriate for the particular type of programming."¹⁴ The Commission did examine this, and in its report to Congress documented numerous problems related to captioning. These included:

- "Open character generated announcements, such as emergency messages, election results, weather advisories and school closing information, which crawl across the bottom of the screen are obscured by captions."¹⁵
- "Errors in captions, including misspelled words, incorrect grammar, poor timing, inaccuracies and poor placement. Captions do not always match what the speaker is saying. Sometimes they are out of synchronization with the audio portion of the program. Accuracy is a problem, particularly with real time captioning. When the ENR type of captions is used it is common for abbreviations, camera cues and anchor cues that appear on the teleprompter to be included in the closed captions. The result of such errors is garbled captions, which one commenter points out are "a nuisance and sometimes funny."¹⁶

Without appropriate, enforceable quality and accuracy standards, caption viewers can expect more of these errors. The Commission states that "adequate but not high quality captions may need to be acceptable for at least

¹⁴H.R. Conf. Rep. at 182.

¹⁵FCC Report ¶89.

¹⁶*Id.* ¶91.

the short term.” ¶114. The Commission should keep in mind that the captioning should be, at the very least, functionally equivalent to the audio track. Therefore, we reiterate, with some modification, the guidelines we suggested in our original comments. The following should be required immediately upon the effective date of the rules.

- Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program’s soundtrack. Caption data and information contained in the soundtrack must be delivered intact throughout the entire program.
- Standards for proper spelling must be devised. Because the accurate written representation of the spoken word depends on proper spelling, spelling should be considered a technical aspect of captioning.
- Captioning must be reformatted as necessary if the programs on which they are included have been compressed or edited.
- Captioning does not obscure open character generated announcements, such as emergency warnings, school closings, and weather advisories.
- Program tapes should be labeled as to whether they are captioned to ensure that the closed captioned master tape is used for duplication as the program moves through the distribution chain.

The Commission indicates that it may consider rules on quality issues “after a period of experience.” ¶111. We suggest that the Commission write more specific rules in this area two years from the effective date of the forthcoming rules. This should satisfy the Commission’s concerns about the supply of captioners and allow a reasonable period of time in which to adapt to the new rules. Within two years, quality standards should be created that ensure that:

- Grammar, timing, accuracy, and placement of captions are appropriate.
- Captions include all elements of the soundtrack necessary for accessibility, including verbal information, identification of the speaker if it is not already clear, sound effects, and audience reaction.

- Captions be provided in the style and standards which are appropriate for the particular type of programming that is being captioned. For example, due to the problems outlined above, local newscasts and other live programming should be live captioned.

XI. Enforcement Mechanisms Should Not Be Overly Burdensome to the Viewer

The Commission proposes that when viewers have a complaint about captioning, the complainants be required to first notify the video programming provider before filing with the Commission and allowing the provider a period of time to resolve the complaint at the local level. ¶123. While we recognize that the local level may be the best place to resolve most problems, we see many problems with this proposal.

- The viewer may not know the proper party to contact when there is a problem.
- He or she may not know how to contact the provider. The provider may not have a tty number or another way of being accessible, such as e-mail.
- If the problem is not with the provider, it would be incumbent on the viewer to investigate other factors that may be causing the program. Most viewers do not have the expertise to pursue such an investigation.
- Providers may not be set up in such a way to handle such complaints expeditiously.
- It is not clear what type of good faith effort is necessary on the part of the provider to resolve the complaint and ensure that the problem does not occur again.
- It is not clear how much time the provider would be given to resolve the complaint.

Given these problems, we do not believe that a complainant should be required to first contact the provider in lieu of filing a complaint with the Commission when there is a problem. Normal Commission complaint channels should still be available. We propose that, in addition to this, the


Commission establish a council for the resolution of complaints. This council could be staffed by technical personnel and could be contacted by an easily remembered tty and voice toll-free phone number. This council could provide information to consumers on the responsibility of video providers and serve as a liaison between consumers and providers. It could gather, track, and resolve complaints for the industry. When it receives a complaint, council staff could contact the provider to find out the source of the problem. If the problem was not with the provider, staff could further investigate to find the source. Once it identifies the source of the problem it could work with the provider and others in the industry to ensure the problem does not occur again. The council could be funded by the industry. It would aid the industry by gathering and analyzing complaints, thus making it easier for providers to pinpoint problems. It would help consumers by giving them one place to bring their complaints, which is easy to reach and "user friendly." It would aid the Commission by decreasing its administrative burden of enforcement. This council could be governed by a board consisting of representatives of captioning consumers, the industry, and the Commission. Additionally, this council could monitor caption quality and help devise quality standards, should the Commission follow our recommendation of setting up quality standards at a future date.

We support the Commission's proposal that providers be required to retain in a public file, or have available on request, records sufficient to verify compliance on the amount of closed captioning they provide. ¶124. Such a requirement does not seem onerous, given that providers generally have such documents on hand as part of the process of having material captioned.

XII. Conclusion

Deaf and hard of hearing viewers nationwide look forward to the increase in captioned video programming that will result from implementation of Section 713. We thank the Commission for the opportunity to comment, and we applaud the Commission's commitment to making greater access to video programming a reality for all Americans.

Respectfully submitted,



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Association of College Educators: Deaf and Hard of Hearing

American Deafness and Rehabilitation Association

Convention of American Instructors of the Deaf

The Caption Center

Conference of Educational Administrators Serving the Deaf, Inc.

Registry of Interpreters for the Deaf, Inc.